

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FREDERICK SKODA,

Plaintiff,

v.

ORDER

Civil File No. 10-4865 (MJD/LIB)

LILLY USA LLC, a/k/a

Eli Lilly & Co.,

Defendant.

Frederick Skoda, pro se.

Kyle T. Fogt, Daniel G. Wilczek, Ellen E. Boshkoff, and Amanda L. Shelby,
Faegre Baker Daniels LLP, for Defendant.

On July 22, 2011, this Court entered its Order and Judgment denying Plaintiff's Motion for Remand and granting Defendant's Motion to Dismiss. On August 8, 2012, the Eighth Circuit Court of Appeals issued its opinion in this matter, holding that this Court erred in its determination of the amount in controversy and that Plaintiff Frederick Skoda's maximum award, aside from attorney's fees, is only \$14,115. The Eighth Circuit remanded the matter for this Court "to consider whether Skoda can satisfy the \$75,000 amount-in-controversy

requirement by adding reasonable attorney's fees that may be recovered under section 181.171, subdiv. 3." The Court ordered the parties to brief the amount-in-controversy issue in light of the Eighth Circuit's opinion. Each party filed a response agreeing that this matter should be remanded. The Court concludes that, based on the Eighth Circuit Court of Appeals' determination that Skoda's maximum award, aside from attorney's fees is \$14,115, the amount in controversy, even assuming a generous amount of attorney's fees, cannot meet the \$75,000 jurisdictional requirement. It is simply not plausible that Skoda will incur more than \$60,000 in pursuing this relatively straightforward employment case.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

This matter is **REMANDED** to the District Court for the Seventh Judicial District, Becker County, Minnesota.

Dated: January 10, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court